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June 23, 1987

Gary L. Grolle, Esquire  
Senior Attorney  
Allied Amphenol Products  
4300 Commerce Court  
Lisle, Illinois 60532

Re: Duane Marine Salvage Corporation Site, Perth Amboy, New Jersey  
Administrative Order No. II-CERCLA-50107  
Respondent Severna Corp.

Dear Mr. Grolle:

Please let this letter serve as EPA's reply to your letter of June 12, 1986, and subsequent correspondence from Allied Amphenol Products, which has responded to EPA's administrative order No. II-CERCLA-50107, on behalf of a related corporation, Severna. I apologize for the delay in our response.

Allied Amphenol (Severna) has petitioned for a reduction of the quantity of waste attributed to it on EPA's waste-in list. The petition took the form of a letter with affidavits stating, in essence, that a certain amount of oil contaminated waste materials were not taken to the Duane Marine facility, despite evidence to the contrary on the manifests and invoices.

Please be advised that EPA cannot base a such determination on the evidence of affidavits alone.

In the winter and spring of 1985, when most petitions of this nature were made by respondents to the Duane Marine orders, I wrote to interested parties to be sure they understood the criteria we have used to evaluate petitions of this nature. In each case, prospective petitioners were advised as follows:

Please note that satisfactory documentation of a claim of this nature consists of (1) manifests with information that is consistent with such a claim (in particular, you should check the waste type and the hazard ID); (2) other records, such as work orders and invoices prepared at the time of the contract with the waste disposal facility; (3) descriptions of the waste generation process which yielded the waste in question; and (4)

affidavits given by employees with sufficient knowledge of the processes and transactions at issue, or by an officer of the corporation, or both, where a sworn statement is needed to supplement documentary information with greater detail.

Sworn statements, without any other documentation, are not sufficient to support a claim of this nature.

Accordingly, in regard to Severna's request, we could not have found your evidence to be sufficient in light of EPA's requirement of hard data in addition to narrative statements. We must note that Mr. Grodeck's statement appears to be hearsay, merely repeating the substance of Mr. Lecarreux's statement. No other evidence was submitted in support of Mr. Lecarreux's statement.

EPA must therefore deny Severna's petition for a reduction of the quantity on the waste-in list, in the absence of sufficient documentation of its claim.

If you have further questions, please contact me at (212) 264-8067.

Sincerely,

Margaret Thompson  
Assistant Regional Counsel  
New Jersey Superfund Branch  
Office of Regional Counsel

cc: John F. Lynch, Jr., Esq., Duane Marine Steering Committee